

VIRGINIA:

IN THE CIRCUIT COURT OF CULPEPER COUNTY

**LYNDON W. LONG
PLAINTIFF,**

v.

CASE NUMBER: CL 18000541-00

**DELHAIZE AMERICA, INC.
AKA or FKA FOOD LION, INC.
Serve: Corporation Service Company
100 Shockoe Slip
2nd Floor
Richmond, Virginia 23219**

AND

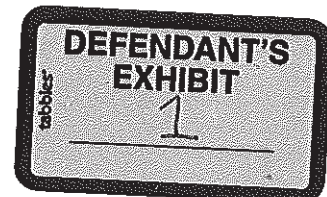
**FOOD LION, LLC
Serve: Corporation Service Company
100 Shockoe Slip
2nd Floor
Richmond, Virginia 23219
DEFENDANTS.**

COMPLAINT

COMES NOW the plaintiff, Lyndon W. Long, by counsel, and moves this Honorable Court to grant judgment against the defendants, jointly and severally, in the amount herein set forth, and in support of his Complaint, states as follows:

1. Plaintiff is a resident of Bealton, Virginia.
2. Defendant Delhaize America, Inc. ("Delhaize") is a North Carolina Corporation licensed to do business in Virginia and has its Registered Agent in Richmond, Virginia and at all times relevant hereto the owner, operator and/or manager of the Food Lion

PREPARED BY:
GETTY & ASSOCIATES,
P.C.
PO BOX 1040
LOCUST GROVE, VA
22508
540-972-7600



grocery store ("store") located at 505 Meadowbrook Shopping Center, Culpeper Virginia 22701.

3. Delhaize is formerly known as, and also known as Food Lion Inc.

4. Defendant Food Lion, LLC. (Food Lion) is a North Carolina Limited Liability Company licensed to do business in Virginia and has its Registered Agent in Richmond, Virginia and at all times relevant hereto the owner, operator and/or manager of the Food Lion grocery store (store) located at 505 Meadowbrook Shopping Center, Culpeper Virginia 22701.

5. On or about April 6, 2016, Defendants Delhaize and/or Food Lion owned, operated, occupied, possessed, managed, maintained, leased and/or otherwise controlled the store.

6. On or about April 6, 2016, the plaintiff was lawfully on the premises and a business invitee of the store.

7. On April 6, 2016 the plaintiff walked down an aisle to retrieve an item to purchase when he slipped on a slippery substance on the floor and fell, injuring himself.

8. Prior to the accident, the store employees knew or should have known of the spill, yet failed to properly clean the premises, place warnings, or otherwise inform the plaintiff of the hazardous condition.

9. Defendants Delhaize and/or Food Lion had a non-delegable duty to the foreseeable invitees such as the plaintiff in particular to use ordinary and/or reasonable care to keep the premises in a reasonably safe condition.

10. It was the duty of the defendants Delhaize and/or Food Lion to use ordinary and/or reasonable care in inspecting, clearing, cleaning and maintaining the aisles of the

store in a reasonably safe condition, including the removal of slippery conditions, so that persons walking in the store might do so with reasonable safety.

11. Defendants Delhaize and/or Food Lion were negligent in failing to use ordinary and/or reasonable care to keep the premises in a reasonably safe condition, including failing to ensure the aisles were free of slip hazards and/or otherwise warn of any unsafe conditions.

12. Defendants Delhaize and/or Food Lion knew, or should have had reason to know or believe, that the condition of the aisle in the store could cause injury to the plaintiff.

13. Defendants Delhaize and/or Food Lion negligently failed to post any warnings regarding the dangerous condition of the aisle of the store.

14. Defendants Delhaize and/or Food Lion were negligent in the maintenance and control of the store aisle.

15. The condition of the store aisle violated the provisions, especially the maintenance provisions of the applicable state, national and international building codes.

16. Plaintiff was in the class of persons protected by the applicable local, state, national and international building codes.

17. Defendants Delhaize and/or Food Lion were negligence per se.

18. As a direct and proximate result of the Defendants' Delhaize and/or Food Lion's negligence, the aforementioned accident occurred and Long has suffered severe and permanent physical injuries, physical pain and mental anguish, past present and that which may be reasonably expected to suffer in the future; medical expenses past,

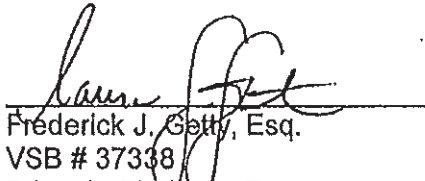
present and that which he may be reasonably expected to suffer in the future;
permanent disability, and has otherwise been damaged.

19. Plaintiff reserves the right to amend this Complaint including adding any
additional claims during discovery based on additional information obtained during
further investigation and/or discovery.

WHEREFORE, THE PLAINTIFF, Lyndon Long, respectfully prays for judgment against the
defendants Delhaize and/or Food Lion jointly and severally, in the sum of \$450,000.00
plus prejudgment interest from April 6, 2016, plus costs and such other relief as may be
warranted.

TRIAL BY JURY IS DEMANDED.

LYNDON LONG
By Counsel .



Frederick J. Getty, Esq.
VSB # 37338
Brian A. Choisser, Esq.
VSB # 72826
Joanna C. Abe, Esq.
VSB # 83121
Laura J. Johnston, Esq.
VSB # 40866
GETTY & ASSOCIATES, P.C.
P.O. Box 1040
4258 Germanna Highway, Suite E
Locust Grove, VA 22508
540-972-7600
540-972-0880 (facsimile)
Counsel for Plaintiff

COMMONWEALTH OF VIRGINIA



CULPEPER CIRCUIT COURT
Civil Division
135 W CAMERON ST
CULPEPER VA 22701

Summons

To: DELHAIZE AMERICA INC.
SERVE: CORPORATION SERVICE CO.
100 SHOCKOE SLIP
2ND FLOOR
RICHMOND VA 23219

Case No. 047CL18000541-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Thursday, April 05, 2018

Clerk of Court: JANICE J. CORBIN

by Stephanie L. Richiuto, DC
(CLERK/DEPUTY CLERK)

Instructions:

Hearing Official:

Attorney's name: ABE, JOANNA C
4258 GERMANNA HWY STE E
P O BOX 1040
LOCUST GROVE VA 22508

COMMONWEALTH OF VIRGINIA



CULPEPER CIRCUIT COURT
Civil Division
135 W CAMERON ST
CULPEPER VA 22701

Summons

To: FOOD LION, LLC
SERVE: CORPORATION SERVICE CO
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2ND FLOOR
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